IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.869 OF 2007.

Gopal Kundlik Auti. ... Petitioner.
Versus.
Vinay Babanrao Hadawale & others. ... Respondents.

Shri Sugandh Deshmukh for the Petitioner.

Shri P.I.Khemani, A.G.P. for the Respondents Nos.2 and 3.

CORAM : ABHAY S.OKA, J.

DATED : 8th February, 2007.

P.C.:

1. Heard the learned Advocate for the Petitioner and the learned A.G.P. for the Respondents Nos.2 and 3. An order of disqualification has been passed against the Petitioner by the Collector in exercise of powers under the Bombay Village Panchayats Act, 1958. An appeal under section 16(2) of the said Act of 1958 has been preferred by the Petitioner before the Divisional Commissioner, Pune. By the order impugned in this petition under Article 227 of the Constitution of India, the learned Divisional Commissioner has rejected the application for stay filed by the Petitioner.

2. The order of declaring disqualification of the Petitioner has been passed by the Collector on 11th December 2006 and the said order is operating till today. Therefore, no fault can be found with the

impugned order of rejecting the prayer for stay. However, considering the serious consequences which flow from the order dated 11th December 2006, the statutory appeal preferred by the Petitioner must be decided as expeditiously as possible.

3. Hence the Writ Petition is disposed of by the following order:

i) Writ petition is rejected.

ii) Pending Appeal shall be decided by the Divisional Commissioner, Pune as expeditiously as possible and in any event on or before 5th April 2007.

iii) All contentions on merits in the pending Appeal are expressly kept open. The pending Appeal shall be decided without being influenced by the confirmation of the order dated 20th December 2006 by this Court.

iv) Parties and the concerned authority to act on an authenticated copy of this order.

Judge.